

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2.

Attachment: Replacement Sheet

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-45 are pending in the present application; Claims 1 and 12-14 having been amended and Claims 15-45 having been added by way of the present Amendment.

Applicant acknowledges with appreciation the courtesy of an interview extended to Applicant's attorney, James Kulbaski, and the assignee's patent engineer, Masahiro Nakano, on January 18, 2007, by Examiner Chan. During the interview, it was explained to Examiner Chan that the claims of the present invention are directed towards the features of the mobile station, whereas U.S. Patent 6,320,898 to Newson is directed to features of the base station. Further, the claims of the present invention recite the use of candidates, and such candidates are not disclosed in the prior art. Examiner Chan indicated that further consideration of these issues was needed before an allowance would be made.

The specification has been reviewed and minor errors of a typographical nature have been corrected. No new matter has been added.

When reviewing the specification, it was noticed that Figure 2 was not completely consistent with respect to the corresponding description in the specification. Accordingly, Figure 2 and the corresponding description have been amended to be consistent with each other. The correction of these inconsistencies does not introduce any new matter.

Regarding step ST15 of Figure 2, the word "one" has been changed to "two". This change is supported by line 11 of p. 14 of the specification.

The claims have been reviewed and in order to be consistent with the specification, claims 12, 13, and 14 have been amended to recite a physical control channel in place of the

physical data channel. These changes are supported by the originally filed specification, for example in the description of embodiments 8-10.

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Newson, and Claims 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Newson in view of Willenegger. These rejections are respectfully traversed.

A feature of the invention is the generation of *candidates*. After the candidates are selected, these candidates may be used for the selection of the sector which is used by the mobile station. Thus, the invention clearly requires the selection of a plurality of candidates.

The primary reference used to reject the claims, U.S.P. 6,320,898 to Newson, does not disclose this feature of selection of candidates, as claimed. Newson does not disclose selecting candidates (*plural*), but shows the calculation of a signal-to-noise ratio. Col. 4, lines 61-66. After the signal-to-noise ratio is determined (e.g., by element 420 of Fig. 4), this signal-to-noise ratio is then passed to elements 431-433 which are time average filters. See col. 5, lines 19-26. Nowhere does Newson disclose the selection of candidates, as claimed. Moreover, Newson relates to a base station determining which antenna to use for a particular mobile station, and to the contrary, the present invention claims mobile stations operating in a certain manner.

Accordingly, as Newson et al. does not disclose mobile stations that select sectors as candidates, each of the rejections should be withdrawn.

Consequently, in light of the above discussion and in view of the present Amendment, the present application is in condition for formal allowance, and an early and favorable action to that effect is requested.

Respectfully submitted,

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